# EXHIBIT A

#### IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

E.I. du Pont de Nemours and Company,	)
Plaintiff,	) C.A. No. 05-71-KAJ
<b>V.</b>	) ) ) NON-ARBITRATION
DAK Americas LLC and	)
DAK Fibers LLC,	) .
Defendants.	) )

#### DECLARATION OF FRANKLIN GOMES DA SILVA

I, Franklin Gomes Da Silva, hereby declare the following:

- I am submitting this declaration in support of DuPont's Motion to Remand the 1. present action. This declaration is based upon my personal knowledge.
- I am the Finance Manager for DuPont's Sontara® Technologies Business. I have 2. held this position since May 2001.
- My responsibilities as Finance Manager include keeping track of DuPont's 3. purchases of materials for the Sontara® business, including the purchase of polyester staple fiber.
- In 1999, DuPont purchased approximately 1,400,000 pounds of polyester staple 4. fiber for use in a new manufacturing facility located in Asturias, Spain. DuPont shut down the facility shortly after its start-up in 1999.
- Approximately one year later, in 2000, DuPont purchased 8,160,000 pounds of 5. polyester staple fiber as part of an attempted re-opening of the Asturias facility. However, the facility was shut down a second time several months after this second start-up.

- In 2001, the Asturias facility was re-opened and began operating on a regular 6. basis.
- 7. Between January 2001 and March 2004, DuPont's purchases of polyester staple fiber for the Asturias facility comprised less than 15 percent of DuPont's total purchases of polyester staple fiber for the Sontara® business. The remaining polyester staple fiber materials were shipped to Sontara's facilities in Old Hickory, Tennessee.
- Between January 2001 and March 2004, DuPont purchased more than 200 million 8. pounds of polyester staple fiber.

I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed in Old Hickory, Tennessee

March 23, 2005

# **EXHIBIT B**

### IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

E.I. du Pont de Nemours and Company,	)	
Plaintiff,	)	C.A. No. 05-71-KAJ
v.	) ) )	NON-ARBITRATION
DAK Americas LLC and	)	
DAK Fibers LLC,	)	
	)	
Defendants.	)	

### **DECLARATION OF CARL J. LUKACH**

I, Carl J. Lukach, hereby declare the following:

- 1. I am submitting this declaration in support of DuPont's Motion to Remand the present action. This declaration is based upon my personal knowledge.
- 2. In January 2000 I joined DuPont's Sontara® Technologies Business as its Global Director. I remained as Global Business Director until June 30, 2004.
- 3. On June 30, 2004 I became Vice President of Investor Relations for DuPont. I continue to hold that position, and now work in Wilmington, Delaware, where DuPont is headquartered.
- 4. During my tenure as Global Business Director of the Sontara® business, my offices were in Old Hickory, Tennessee, the headquarters for the Sontara® business. The Old Hickory site includes the manufacturing facilities where the Sontara® business produces nonwovens fabrics made from polyester staple fiber. The business offices for Sontara® are also located at Old Hickory.

- 5. I had numerous conversations with Hector Camberos about the 1999 Supply Contract between the Sontara® business and DuPont-Akra LLC, which is now named DAK Fibers. These discussions usually took place in person at the Sontara® business offices in Old Hickory, Tennessee but at least on one occasion occurred at the DAK offices in North Carolina. Occasionally, pre-meetings or follow-up meetings took place via telephone from my office in Tennessee, and Mr. Camberos's office in North Carolina.
- 6. Representatives of DuPont's Sourcing group also had discussions with DAK Fibers. These representatives worked in DuPont's offices in Wilmington, Delaware.
- 7. Mr. Camberos, and other DAK representatives, traveled to Old Hickory many times for meetings to discuss the 1999 Supply Contract. On other occasions, representatives from the Sontara® business traveled to DAK's headquarters in North Carolina to meet with DAK about the 1999 Supply Contract.
- 8. DAK Fibers manufactured polyester staple fiber materials at two different facilities during the course of the 1999 Supply Contract. These facilities are located in North Carolina and South Carolina. I am not aware of any other polyester staple manufacturing facilities owned by DAK Fibers.
- 9. When I joined the Sontara® business in 2000 as its Global Director, I became familiar with the new manufacturing facility in Asturias, Spain, which was expected to manufacture Sontara® products using polyester staple fiber. I was made aware that initial attempts to operate the Asturias facility in 1998 through 1999 had failed, and that efforts were underway to re-start the facility.
- 10. In 2000, attempts to re-start the Asturias facility also failed, and the facility was shut down to re-design several component parts of the manufacturing process.

In late 2001, the Asturias facility was re-started utilizing the newly re-designed 11. manufacturing process and eventually the facility became fully operational.

I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed in Wilmington, Delaware March 22, 2005

# EXHIBIT C





Overview





Apparel

Home Furnishings

Industrial

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**Products** 

Procurement

MSDS



DAK Americas continues to build upon the DuPont-Akra Polyester joint venture created between DuPont and Akra (A division of Alfa) in April of 1999. DuPont-Akra Polyester is the foundation to which Alpek has built DAK Americas. Now fully owned by Alpek, the business is comprised of the DAK Monomers Division, DAK Resins Division and DAK Fibers Division (formerly DuPont-Akra Polyester).

> "Whether its through new performanceenhancing fibers, or partnering to expand your market reach, DAK Americas can help you improve your business results."

> > -Hector Camberos, President

Call DAK Americas at 1-877-432-2766 today to learn more about the exciting possibilities.



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# EXHIBIT D

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### In The News

**DAK Monomers** 

Alpek agrees to buy selected polyester businesses in the **Americas from DuPont** 

**DAK Resins** 

Alpek forms "DAK Americas" to manufacture and market PTA, polyester staple and resin

About Us

CHARLOTTE, NC, June 14, 2001 - Alpek S.A.de C.V. has agreed to purchase selected polyester businesses from E.I. duPont de Nemours. These businesses include DuPont's North American PET container resins and terephthalic acid (PTA) groups, as well as DuPont's 50% ownership in Email Us

DuPont-Akra polyester staple. Alpek will now be the sole owner of that business. The effective date of the transaction will be July 1, 2001 and the transition will be complete within one year. Terms of the sale were not disclosed.

**Products** 

Assets included in the transaction are the DuPont resin plant in Cedar Creek, NC, the Cape Fear PTA and staple fiber plants in Wilmington, NC, the Cooper River staple fiber plant in Charleston, SC and the Polykron staple fiber plant in Monterrey, MX. Also part of the transaction will be the

Procurement

well-known polyester brands of Dacron®, Melinar® and Delcron®.

**MSDS** 

Concurrently Alpek is announcing the formation of "DAK Americas", which will combine PTA, polyester staple and polyester resin under one company. Headquartered in Charlotte, NC, the company will be a globally competitive supplier for this hemisphere. DAK Americas will focus on a dual strategy of low cost production for commodity products and product innovation for a continuous stream of specialty items.

In The News

"We are excited about this opportunity because the acquisition fits our long term commitment and strategy in key segments of the polyester industry," said Jose de Jesus Valdez, President of Alpek. "This transaction will allow Alpek to become the second largest polyester ingredient supplier in the world".

Library

"The formation of DAK Americas, with its dedicated employees and broad product line of PTA, resins and staple, creates a new beginning with exciting possibilities for our customers and our people," said Hector Camberos, President and Managing Director of DAK Americas. "We intend to continue growing and to be the trade leading supplier of both commodity and specialty products in the Americas and will partner with our customers to help them be successful".

Employment

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#### About DAK Americas LLC and Alfa S.A. de C. V.:

DAK Americas, headquartered in Charlotte, N.C., is a wholly owned subsidiary of Alpek S.A. de C.V., the petrochemicals and synthetic fibers business group of Alfa S.A. de C.V. DAK Americas is comprised of three business units Resins (PET), Fibers (Polyester Staple) and Monomers (TPA- ingredients). Alfa is one of Mexico's largest corporations with 35,800 employees and revenues of \$5.17 billion (US) and has alliances with more than 20 leading companies from the United States, Japan, Europe, South America and Mexico.

Forward-Looking Statements: This news release contains forward-looking statements based on management's current expectations, estimates and projections. All statements that address expectations or projections about the future, including statements about the company's strategy for growth, product development, market position, expected expenditures and financial results are forward-looking statements. Some of the forward-looking statements may be identified by words like "expects," "anticipates," "plans," "intends," "projects," "indicates," and similar expressions. These statements are not guarantees of future performance and involve a number of risks, uncertainties and assumptions. These factors could include, but are not limited to, changes in the laws, regulations, policies and economic conditions, including inflation, interest and

foreign currency exchange rates, of countries in which the company does business; competitive pressures; successful integration of structural changes, including restructuring plans, acquisitions, divestitures and alliances; cost of raw materials, research and development of new products, including regulatory approval and market acceptance; and seasonality of sales of agricultural products.

**CONTACT:** 

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